IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1648 (S/S) of 2005

Jogindra Singh,
son of Sri Vijan Singh,
resident of Village – Titarshi,
P.O. – Thana Bharan,
District – Muzaffarnagar. .....Petitioner.

Versus.

1. Union of India through Secretary, Defence, New Delhi.
2. Commander, 21, BRTF (GREF), C/o 56 APO.
3. Officer Commanding, 531 SS & T.C. (Store Supply & Transport Company), GREF, C/o 56 APO.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned standing counsel for the Union of India, on behalf of respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 to decide the appeal of the petitioner expeditiously.

Learned counsel for the petitioner has submitted that vide order dated 22.07.2003 passed by respondent no. 3 a punishment of fine of 7 days' pay under Section 63 of the Army Act, 1950 was imposed upon the petitioner. Aggrieved with the order dated 22.07.2003 the petitioner has preferred an appeal dated 09.09.2003 before respondent no. 2. More than two years have passed but the appeal has yet not been decided by respondent no. 2.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 2 may be directed to decide the petitioner's appeal within a particular period.

In view of the aforesaid facts and circumstances, I think it just and proper to direct the respondent no. 2 i.e. Commander, 21, BRTF (GREF), C/o 56 APO to decide the petitioner's appeal dated 09.09.2003 pending before him within a period of three months from the date of production of certified copy of this order.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 08, 2005
SKSharma